



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



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Board of Supervisors Meeting: March 15, 2022

Appeal Hearing on the Second Amendment to Vesting Tentative Tract Map No. 45465 to authorize relocation of four lots from TR 454650-5 ("Phase 5") to TR 454650-4 ("Phase 4"), modify the building pad sizes, and adjust lot lines and grading volumes ("Project") within the Santa Monica Mountains North Area Community Standards District and the Santa Monica Mountains Local Coastal Plan.

This agenda item is an appeal of the Regional Planning Commission's (RPC) decision to approve a Second Amendment to Vesting Tentative Tract Map. No., 45465. The Project is located in the Santa Monica Mountains North Area Community Standards District and the Santa Monica Mountains Local Coastal Plan. The RPC approved this project on appeal on November 3, 2021. The RPC's decision was timely appealed to the Board of Supervisors by Kim Lammie and Joan Slimcosky of the Las Virgenes Homeowners Federation on November 11, 2021.

The County Hearing Officer initially considered the Second Amendment during a public meeting on July 27, 2021. After hearing all comments, the Hearing Officer approved the Addendum to the Final Environmental Impact Report ("EIR") and the Project subject to the conditions of approval. This approval was timely appealed to the RPC by two parties. The first party was Kim Lammie on behalf of the Las Virgenes Homeowners Federation and Mary Hubbard on behalf of the Malibu Canyon Community Association. The second appeal was Valerie Sacks and Keith Gregory representing Carey and Jennifer Chrisman, who are in escrow to purchase a property located within the adjacent Tract No. 45465-01, which is outside the scope of this Project.

The RPC considered the Project during the November 3, 2021, public hearing. The first appellant (Lammie/Hubbard) presented their concerns regarding the lack of environmental review per the Santa Monica Mountains North Area Plan and Santa

Monica Mountains Local Coastal Program, non-compliance with said plans, and the analysis of existing oak trees within the Project site. The second appellant (Sacks/Gregory) presented concerns regarding an easement agreement between a third party, Spectrum Development, and their client, the Chrismans. These concerns included the need for off-site improvements required to build Phase 4 and Phase 5. Three members of the public provided comments and concerns regarding the environmental impacts and concerns that the Project was not in compliance with the current ordinances, and with the SMMNAP and SMMLCP.

During the November 3, 2021 public hearing, Department of Regional Planning ("Department") staff stated, and County Counsel confirmed, that the original 1988 Map was vested prior to the approval of the SMMNAP and therefore the Project is not subject to its current requirements. Department staff and Public Works staff also verified that the Project had an approved drainage plan and that no off-site improvements were required for this Project. Department staff and Public Works staff further confirmed that any future proposed construction development will need to be fully reviewed and processed through Public Works prior to construction. Additionally, the RPC required a condition of approval obligating Department staff, the County Forester and the County Fire Warden to conduct a site visit to map and tag the existing oak trees and ensure that they would no longer be eligible for removal or encroachment. The RPC also directed Department staff to update the Project findings and conditions such that the existing Oak Tree Permit ("OTP") No. 87058 may not be relied upon nor used to remove or encroach upon the existing ordinance sized oak trees within proposed Phase 5 in perpetuity. The RPC upheld the Hearing Officer approval, with conditions, in a 4-0 vote.

After consideration of the Addendum to the EIR, the RPC found, on the basis of the whole record before it, that there was no substantial evidence that the Project as conditioned would have a significant effect on the environment, and further found that the Addendum reflected the independent judgment and analysis of the RPC.

Therefore, Staff recommends that the Board uphold the RPC's approval of the Project and Addendum to the EIR.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Amy Bodek", with a long horizontal flourish extending to the right.

AMY J. BODEK, AICP
Director of Regional Planning